

## REMARKS

Claims 11-20 are pending in the present application. All of these claims stand rejected. By this Amendment, the specification, drawings and claim 17 have been amended. No new matter is believed to be added by these amendments. The Applicants respectfully request reconsideration of the objections and rejections made in the present Office Action in light of the following remarks.

The drawings were objected to based on a typographical error in Fig. 7. The proposed drawing correction made herein is believed to address and resolve this objection.

The disclosure was objected to due to a couple of informalities enumerated on page 2 of the present Office Action. The amendments to the specification are believed to address and resolve these objections. Additionally, the Applicants respectfully note that Fig. 1, although explicitly showing only one Mobile Switching Center, implicitly refers to additional Mobile Switching Centers as indicated by the double dots, which typically indicate further elements; namely, further Mobile Switching Centers. Additionally, Applicants note that Radio Network Manager Devices (RNM's) are known in the art to be equivalent to Base Station Controllers (BSC's). In particular, these two expressions are equivalent where typically in 2G GSM systems, the term Base Station Controller is used, and in 3G UMTS systems, the term Radio Network Manager is used. Accordingly, no new matter is believed to be added by the amendments to the specification.

The title of the invention was objected to as allegedly being not descriptive. Although the Applicants have not followed the suggested title given in the present Office Action, the new title proffered herein is believed to clearly indicate the direction of the present claims.

The specification was objected to as allegedly failing to provide proper antecedent basis for the claimed subject matter. In particular, the Office Action asserts that elements of claim 4 were not supported in the specification. The Applicants respectfully traverse this objection and submit that the subject matter of claim 14 is indeed supported in the specification. In particular, lines 9-12 of page 11 of the original English language specification of the present application discloses the desirability of maximizing the number of common channels DSCH in order to mitigate the limitation to particular combinations for statistical reasons. Accordingly, the first portion of claim 14 receives the antecedent basis here, as an example. Furthermore, the concept of at least one channel per connection being allocated exclusively may be found, for example, on

page 12 of the original English specification in lines 1-5, which teaches the use of a permanently allocated, dedicated channel DCH used, for example, for low toll data rate in the second row shown in Fig. 8. Accordingly, the Applicants respectfully submit that the elements of claim 14 do indeed have proper antecedent basis in the specification and request that this objection be withdrawn, accordingly.

Further, with respect to claim 17, the amendment to this claim follows the suggestion given in the present Office Action and is, thus, believed to resolve this objection. Nonetheless, this amendment to claim 17 is believed to not affect the scope of the claim and the claim, as originally presented, is also believed to have had proper antecedent basis.

Claims 12 and 19 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. The Applicants respectfully traverse this rejection for the following reasons.

In particular, the Office Action asserts that the phrase “with each of the combination” in claim 12 is indefinite. A closer reading of this claim, however, reveals that this phrase is definite. That is, the phrase “each of” refers to each of the combination, the data rate, and the allocation of the common channels being signaled using TFCI values. Thus, this phrase is simply saying that each of these values is signaled using TFCI values and is not saying that somehow more than one combination was attempted to be claimed here. Accordingly, the Applicants respectfully request careful reconsideration of this rejection and its withdrawal. Claim 19 is also believed definite, accordingly.

Claims 11, 13-18 and 20 were rejected under 35 U.S.C. §102(e) as being allegedly anticipated by *Tiedemann* (U. S. Patent No. 5,859,840). The Applicants respectfully traverse this rejection for the following reasons.

With respect to independent claims 11 and 20, the Office Action asserts that *Tiedemann* discloses all of the elements of these claims. The Applicants respectfully submit that this reference does not teach or suggest all of the elements of independent claims 11 and 20. In particular, *Tiedemann* discloses mechanisms to assign “additional channels.” These additional channels can be assigned to dedicated channels when transmission of high rate data is required (see, e.g., column 5, lines 16-30 and column 6, lines 6-19). As described in *Tiedemann*, these additional channels can be grouped and transmitted to a mobile station during call set-up, which enables the use of only a few bits to identify the channels within the group. Additionally, sets with different numbers of additional channels can be defined.

In light of the above teachings of *Tiedemann*, each of the additional channels to be assigned is still identified individually and the assignment message when sets or groups of the additional channels are defined. The grouping of channels or defining of sets only facilitates this individual assignment in that every channel in the group or set corresponds to an individual bit in the message, for example. Thus, this correspondence simplifies the assignment in contrast to transmitting all of the channel information.

In contrast, claim 11 of the present application features, for example, “signaling in-band a subsequently valid allocation of the at least one common channel for one of the plurality of connections in the at least one of the channels of the data transmission using a data rate allocated to the connection” and “agreeing upon a relationship between the allocated data rate and the at least one common channel to be used in a separate signaling channel.” In other words, a relation between data rates and common channels is agreed upon using a separate channel. This simply is not taught or suggested by *Tiedemann*. The section of *Tiedemann* referenced in the present Office Action allegedly teaching this feature (i.e., column 6, lines 10-17) does not teach or suggest this element. Rather, as discussed above, this section merely describes defining the additional channels to allow the channel assignment message to require only a few bits to identify the channels to be used. This is not a teaching or suggestion commensurate with the above-cited elements of claim 11. Accordingly, the Applicants respectfully submit that all of the elements of claim 11 are not taught or suggested by *Tiedemann*.

Further, with respect to independent claim 20, this claim contains similar features to the method in claim 11 and, thus, this claim is believed to be allowable at least for the reasons above.

With respect to dependent claims 13-18, these claims are submitted to be allowable on their merits and at least for the reasons presented above with respect to independent claim 12, the claim from which these dependent claims depend.

Claims 12 and 19 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over *Tiedemann* in view of the art discussed in the present application. Without commenting on the merits of this rejection, the Applicants respectfully submit that these claims are allowable on their merits and at least for the reasons presented above with respect to independent claim 11.

In light of the foregoing comments, the Applicants respectfully submit that the present application is in condition for allowance and request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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